

**STATE WATER RESOURCES CONTROL BOARD
BOARD MEETING SESSION – DIVISION OF WATER QUALITY
JUNE 5, 2018**

ITEM 8

SUBJECT

CONSIDERATION OF THE ADOPTION OF THE PROPOSED FINAL AMENDMENTS TO THE WATER QUALITY CONTROL PLAN FOR ENCLOSED BAYS AND ESTUARIES: SEDIMENT QUALITY PROVISIONS, AND THE PROPOSED FINAL STAFF REPORT INCLUDING THE SUBSTITUTE ENVIRONMENTAL DOCUMENTATION

DISCUSSION

The State Water Resources Control Board (State Water Board) will consider adoption of the proposed final amendments to the Water Quality Control Plan for Enclosed Bays and Estuaries of California (Proposed Final Amendments). The Proposed Final Amendments, together with existing sediment quality provisions of the Water Quality Control Plan for Enclosed Bays and Estuaries of California, are planned for future incorporation into the Inland Surface Waters, Enclosed Bays and Estuaries Plan of California (ISWEBE), after the ISWEBE is adopted. The Proposed Final Amendments include application and implementation of the sediment quality objective (SQO) protecting benthic communities from direct exposure to pollutants in sediments, and application and implementation of the SQO protecting human consumers of resident sportfish from contaminants that bioaccumulate from sediment into fish tissue. The Proposed Final Amendments also include organizational and formatting changes to accommodate future incorporation in the ISWEBE.

Adoption of the Proposed Final Amendments will allow the Water Boards to more effectively interpret and implement the SQOs by providing a transparent, scientifically sound and effective process to better assess the effects caused by pollutants in sediments. Increased consistency in such assessments will help to reduce monitoring, regulatory requirements and costs while still protecting associated beneficial uses.

On October 24, 2017, the State Water Board issued a notice of public hearing and comment period for the Proposed Amendments, which were made available together with Draft Substitute Environmental Documentation and other supporting documents. On December 5, 2017 the State Water Board held a public hearing pursuant to Water Code sections 13170 and 13244 to receive public input on the Proposed Amendments. The written comment period ended on December 14, 2017, and 11 comment letters were received. Peer review was completed on March 22, 2018 by four reviewers. State Water Board staff reviewed and considered all comments, and made the necessary changes in the Proposed Final Amendments.

POLICY ISSUE

Should the State Water Board adopt the Proposed Final Amendments to the Water Quality Control Plan for Enclosed Bays and Estuaries: Sediment Quality Provisions?

California Water Code section 13393 requires the State Water Board to develop SQOs for toxic pollutants for California's enclosed bays and estuaries. On September 16, 2008, the State Water Board adopted [Resolution No. 2008-0070](#), approving the Water Quality Control Plan for Enclosed Bays and Estuaries – Part 1 Sediment Quality (Plan). The Plan included narrative

SQOs to protect benthic communities, utilizing an approach based upon multiple lines of evidence, as well as a narrative SQO developed to protect human health from exposure to contaminants in seafood. This effort, referred to as Phase 1 of the SQOs program, was approved by U.S. EPA on August 25, 2009. On April 6, 2011, the State Water Board adopted [Resolution No. 2011-0017](#) approving amendments to the Water Quality Control Plan for Enclosed Bays and Estuaries that consisted of a narrative SQO protecting wildlife and resident finfish from pollutants in sediments. This narrative SQO was approved by the Office of Administrative Law on June 8, 2011. The Proposed Final Amendments would further refine implementation of the previously-adopted SQO's.

FISCAL IMPACT

The Proposed Final Amendments will be implemented through the existing process for NPDES permits and Waste Discharge Requirements (WDRs). No additional State Water Board resources are proposed.

REGIONAL WATER BOARD IMPACT

The Regional Water Boards will be impacted as each incorporates or implements the elements contained in the Proposed Final Amendments.

The Proposed Final Amendments would apply to all enclosed bays and estuaries in the state impacted with polychlorinated biphenyls or organochlorides.

STAFF RECOMMENDATION

Staff recommends that the State Water Board adopt the Proposed Final Amendments to the Water Quality Control Plan for Enclosed Bays and Estuaries: Sediment Quality Provisions

State Water Board action on this item will assist the Water Boards in reaching Goals 1 and 6 of the Strategic Plan Update: 2008-2012 to implement strategies to fully support the beneficial uses of listed water bodies by 2030; and to enhance consistency across the Water Boards, on an ongoing basis, to ensure our processes are effective, efficient, and predictable.
